

USDA  
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OALJ / HCO  
WASH, DC

Docket No.

14-0135

I.

II.

B. On or about May 9, 2011, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the

standards specified below:

1. Respondent failed to have sufficient potable water provided to the rabbits (9 C.F.R. § 3.55);
2. Primary enclosure fence for deer was not structurally sound and maintained in good repair to contain the animals (9 C.F.R. § 3.125(a));
3. Supplies of food were not stored in facilities which adequately protected them from deterioration and molding (9 C.F.R. § 3.125(c));
4. Proper provisions were not made for the removal of dead animals at the respondent's facilities (9 C.F.R. § 3.125(d));
5. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));
6. Food was not wholesome and of sufficient quantity and nutritive value to maintain the animals in good health (9 C.F.R. § 3.129); and
7. Water receptacles were not kept clean and sanitary (9 C.F.R. § 3.130).

### III.

- A. On or about June 14, 2011, APHIS inspected the respondent's premises and found that the respondent had failed to maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failed to provide veterinary care, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).
- B. On or about June 14, 2011, APHIS inspectors were not given access to respondent's records during the inspection, in willful violation of section 2.126 of the regulations (9 C.F.R. § 2.126).
- C. On or about June 14, 2011, APHIS inspected the respondent's facility and found

the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Respondent failed to have sufficient potable water provided to the rabbits (9 C.F.R. § 3.55);
2. Primary enclosure fence for deer was not structurally sound and maintained in good repair to contain the animals (9 C.F.R. § 3.125(a));
3. Supplies of food were not stored in facilities which adequately protected them from deterioration and molding (9 C.F.R. § 3.125(c));
4. Proper disposal of deceased animals has not been accomplished, to minimize disease hazards (9 C.F.R. § 3.125(d));
5. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));
6. Perimeter fence was in disrepair, including places where trees had fallen across the fence and numerous posts that were in need of repair or replacement (9 C.F.R. § 3.127(d)); and
7. Food was not wholesome and of sufficient quantity and nutritive value to maintain the animals in good health (9 C.F.R. § 3.129).

#### IV.

A. On or about June 29, 2011, APHIS inspected the respondent's premises and found that the respondent had failed to maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failed to provide veterinary care, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

B. On or about June 29, 2011, APHIS inspectors were not given access to

respondent's records during the inspection, in willful violation of section 2.126 of the regulations (9 C.F.R. § 2.126).

C. On or about June 29, 2011, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Failure to keep primary enclosures free of excessive amounts of excreta and other debris (9 C.F.R. § 3.56);
2. Primary enclosure fence for deer was not structurally sound and maintained in good repair to contain the animals (9 C.F.R. § 3.125(a));
3. Proper disposal of deceased animals has not been accomplished, to minimize disease hazards (9 C.F.R. § 3.125(d));
4. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b)); and
5. Perimeter fence was in disrepair, including places where trees had fallen across the fence and numerous posts that were in need of repair or replacement (9 C.F.R. § 3.127(d)).

V.

A. On or about August 8, 2011, APHIS inspected the respondent's premises and found that the respondent had failed to maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failed to provide veterinary care, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

B. On or about August 8, 2011, APHIS inspectors were not given access to respondent's records during the inspection, in willful violation of section 2.126 of the regulations



(9 C.F.R. § 2.126).

C. On or about August 8, 2011, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Primary enclosure fence for deer was not structurally sound and maintained in good repair to contain the animals (9 C.F.R. § 3.125(a));
2. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));
3. Failure to provide a suitable method of drainage to rapidly eliminate excess water (9 C.F.R. § 3.127(c));
4. Perimeter fence was in disrepair, including places where trees had fallen across the fence and numerous posts that were in need of repair or replacement (9 C.F.R. § 3.127(d));
5. Food was not wholesome and of sufficient quantity and nutritive value to maintain the animals in good health (9 C.F.R. § 3.129);
6. Potable water was not accessible to a sick juvenile pig (9 C.F.R. § 3.130); and
7. A safe and effective program for the control of insects was not maintained and established (9 C.F.R. § 3.131).

## VI.

A. On or about September 22, 2011, APHIS inspected the respondent's premises and found that the respondent had failed to maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failed to provide veterinary

care, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

B. On or about September 22, 2011, APHIS inspected the respondent's premises and found that the respondent had failed to keep and maintain proper records concerning the acquisition, ownership, transportation, sale, birth of offspring, among other things, which are required of each animal in its possession (9 C.F.R. § 2.75).

C. On or about September 22, 2011, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Failure to keep primary enclosures free of excessive amounts of excreta and other debris (9 C.F.R. § 3.56);
2. Failure to construct facility of sufficient materials and strength so as to be sound and of good repair to protect and contain animals (9 C.F.R. § 3.125(a));
3. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));
4. Water receptacles were not kept clean and sanitary (9 C.F.R. § 3.130); and
5. Primary enclosures were not kept clear of excessive feces, to prevent contamination of animals and minimize disease hazards and odor (9 C.F.R. § 3.131).

## VII.

A. On or about September 28, 2011, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Failure to provide a suitable method of drainage to rapidly eliminate excess water (9 C.F.R. § 3.127(c)).

## VIII.

A. On or about November 3, 2011, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b)); and
2. Perimeter fence was in disrepair (9 C.F.R. § 3.127(d)).

## IX.

A. On or about December 6, 2011, APHIS inspected the respondent's premises and found that the respondent had failed to maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failed to provide veterinary care, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

B. On or about December 6, 2011, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));
2. Failure to provide a suitable method of drainage to rapidly eliminate excess water (9 C.F.R. § 3.127(c)); and
3. Primary enclosures were not kept clear of excessive feces, to prevent contamination of animals and minimize disease hazards and odor (9 C.F.R. § 3.131).

## X.

A. On or about January 10, 2012, APHIS inspected the respondent's facility and

found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b)); and
2. Primary enclosures were not kept clear of excessive feces, to prevent contamination of animals and minimize disease hazards and odor (9 C.F.R. § 3.131).

XI.

A. On or about February 22, 2012, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Primary enclosure fence for deer was not structurally sound and maintained in good repair to contain the animals (9 C.F.R. § 3.125(a));
2. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));
3. Perimeter fence was in disrepair, including places where trees have fallen across the fence (9 C.F.R. § 3.127(d)); and
4. Primary enclosures were not kept clear of excessive feces, to prevent contamination of animals and minimize disease hazards and odor (9 C.F.R. § 3.131).

XII.

A. On or about April 3, 2012, APHIS inspected the respondent's premises and found that the respondent had failed to maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failed to provide veterinary care, in wilful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).



B. On or about April 3, 2012, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Wire fencing in the deer enclosure had been torn down and was not removed, exposing the animals to injury (9 C.F.R. § 3.125(a));
2. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));
3. Failure to provide a suitable method of drainage to rapidly eliminate excess water (9 C.F.R. § 3.127(c)); and
4. Perimeter fence was in disrepair (9 C.F.R. § 3.127(d)).

### XIII.

A. On or about May 16, 2012, APHIS inspected the respondent's premises and found that the respondent had failed to maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failed to provide veterinary care, in wilful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

B. On or about May 16, 2012, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Caretaker did not have adequate knowledge or experience of the species (armadillo) that he was to maintain (9 C.F.R. § 2.131(a));
2. Wire fencing in the deer enclosure had been torn down and was not removed, exposing the animals to injury (9 C.F.R. § 3.125(a));
3. Proper disposal of deceased animals has not been accomplished, to

minimize disease hazards (9 C.F.R. § 3.125(d));

4. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));

5. Perimeter fence was in disrepair (9 C.F.R. § 3.127(d));

6. Food was not wholesome and of sufficient quantity and nutritive value to main the animals in good health (9 C.F.R. § 3.129);

7. Primary enclosures were not kept clear of excessive feces, to prevent contamination of animals and minimize disease hazards and odor (9 C.F.R. § 3.131); and

8. Failure to have a sufficient number of adequately trained employees to maintain a professionally acceptable level of husbandry practices (9 C.F.R. § 3.132).

#### XIV.

A. On or about June 26, 2012, APHIS inspected the respondent's premises and found that the respondent had failed to maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failed to provide veterinary care, in wilful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

B. On or about June 26, 2012, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Failure to keep primary enclosures free of excessive amounts of excreta and other debris (9 C.F.R. § 3.56);

2. Facilities are not constructed of such material and strength to protect the animals from injury and contain them (9 C.F.R. § 3.125(a));

3. Provisions were not made for the removal of animal and food wastes

(9 C.F.R. § 3.125(d));

4. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));

5. Perimeter fence was in disrepair (9 C.F.R. § 3.127(d)); and

6. Failure to have a sufficient number of adequately trained employees to maintain a professionally acceptable level of husbandry practices (9 C.F.R. § 3.132).

#### XV.

A. On or about August 1, 2012, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Failure to keep primary enclosures free of excessive amounts of excreta and other debris (9 C.F.R. § 3.56);

2. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));

3. Perimeter fence was in disrepair (9 C.F.R. § 3.127(d));

4. Food was not wholesome and of sufficient quantity and nutritive value to main the animals in good health (9 C.F.R. § 3.129(a));

5. Primary enclosures were not kept clear of excessive feces, to prevent contamination of animals and minimize disease hazards and odor (9 C.F.R. § 3.131); and

6. Failure to have a sufficient number of adequately trained employees to maintain a professionally acceptable level of husbandry practices (9 C.F.R. § 3.132).

#### XVI.

A. On or about September 10, 2012, APHIS inspected the respondent's facility and

found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Failure to keep primary enclosures free of excessive amounts of excreta and other debris (9 C.F.R. § 3.56);
2. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b)); and
3. Failure to have a sufficient number of adequately trained employees to maintain a professionally acceptable level of husbandry practices (9 C.F.R. § 3.132).

XVII.

A. On or about October 23, 2012, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));
2. Failure to provide a suitable method of drainage to rapidly eliminate excess water (9 C.F.R. § 3.127(c));
3. Perimeter fence was in disrepair (9 C.F.R. § 3.127(d)); and
4. Failure to have a sufficient number of adequately trained employees to *maintain a professionally acceptable level of husbandry practices* (9 C.F.R. § 3.132).

XVIII.

A. On or about December 3, 2012, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:



1. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. §3.127(b));
2. Failure to provide a suitable method of drainage to rapidly eliminate excess water (9 C.F.R. § 3.127(c));
3. Perimeter fence was in disrepair (9 C.F.R. §3.127(d)); and
4. Failure to have a sufficient number of adequately trained employees to maintain a professionally acceptable level of husbandry practices (9 C.F.R. § 3.132).

XIX.

A. On or about January 16, 2013, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b)).

XX.

A. On or about February 19, 2013, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));
2. Perimeter fence was in disrepair (9 C.F.R. § 3.127(d));
3. *Respondent failed to have sufficient potable water provided to the animals* (9 C.F.R. § 3.130); and
4. Failure to have a sufficient number of adequately trained employees to

maintain a professionally acceptable level of husbandry practices (9 C.F.R. § 3.132).

XXI.

A. On or about March 27, 2013, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));
2. Primary enclosures were not kept clear of excessive feces, to prevent contamination of animals and minimize disease hazards and odor (9 C.F.R. § 3.131); and
3. Failure to have a sufficient number of adequately trained employees to maintain a professionally acceptable level of husbandry practices (9 C.F.R. § 3.132).

XXII.

A. On or about April 22, 2013, APHIS inspected the respondent's premises and found that the respondent had failed to maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failed to provide veterinary care, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

B. On or about April 22, 2013, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Facilities are not constructed of such material and strength to protect the animals from injury and contain them (9 C.F.R. § 3.125(a));
2. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b));

3. Failure to provide a suitable method of drainage to rapidly eliminate excess water (9 C.F.R. § 3.127(c));
4. Perimeter fence was in disrepair (9 C.F.R. § 3.127(d));
5. Food was not sufficient in quantity and in a location that minimized contamination (9 C.F.R. § 3.129(b));
6. Water receptacles were not kept clean and sanitary (9 C.F.R. § 3.130);
7. Primary enclosures were not kept clear of excessive feces, to prevent contamination of animals and minimize disease hazards and odor (9 C.F.R. § 3.131); and
8. Failure to have a sufficient number of adequately trained employees to maintain a professionally acceptable level of husbandry practices (9 C.F.R. § 3.132).

#### XXIII.

A. On or about April 24, 2013, APHIS inspected the respondent's premises and found that the respondent had failed to maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failed to provide veterinary care, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

B. On or about April 24, 2013, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Primary enclosure gates were not constructed with such material and strength to contain animals of the size housed within the enclosure (9 C.F.R. § 3.125(a));
2. Deer were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b)); and
3. Food was not sufficient in quantity and in a location that minimized

contamination (9 C.F.R. § 3.129(b)).

#### XXIV.

A. On or about June 3, 2013, APHIS inspected the respondent's premises and found that the respondent had failed to maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failed to provide veterinary care, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

B. On or about June 3, 2013, APHIS inspected the respondent's premises and found that the respondent had failed to keep and maintain proper records concerning the acquisition, ownership, transportation, sale, birth of offspring, among other things, which are required of each animal in its possession (9 C.F.R. § 2.75).

C. On or about June 3, 2013, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Animals were not given proper shelter from the local climatic conditions (9 C.F.R. § 3.127(b)); and
2. Perimeter fence was in disrepair (9 C.F.R. § 3.127(d)).

#### XXV.

A. On or about July 22, 2013, APHIS inspected the respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Failure to provide a suitable method of drainage to rapidly eliminate excess water (9 C.F.R. § 3.127(c)); and
2. Perimeter fence was in disrepair (9 C.F.R. § 3.127(d)).



WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq. (1993)). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:
  - (a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder; and
  - (b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149).

(c) Suspending or revoking the respondent's license under the Act.

Done at Washington, D.C.  
this 20<sup>th</sup> day of June, 2014



Administrator  
Animal and Plant Health  
Inspection Service

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